IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION No: 24658 of 2004

Between:

Smt. Ch.Krishnamma W/o P.Venkatararmi Reddy
R/o Vemula Village Mundlamur Mandal, Prakasam District.

..... PETITIONER

AND

1 The Joint Collector Prakasam District.
2 The Reveune Divisional Officer Kandukur, Prakasam District.
3 The Mandal Revenue Officer Mundlamur, Mundlamur Mandal
Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly in the nature of Writ of Mandamus declaring the in action of the joint Collector, Prakasam District, Ongole, in failing to pass the stay orders on the petition dt. 20/12/2004 in the appeal filed by the petitioner against the orders of the Revenue Divisional officer, Kandukur, dt. 16/12/2004 in RCF .No.1924/2004 as illegal, arbitrary and unjust and further direct that the petitioner be continued as the P.P.Shop declare of vemula village in Mundlamur mandal, prakasam District. pending disposal of the appeal by the Joint Collector .

Counsel for the Petitioner: MR.I.GOPAL REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following:

ORDER:

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The authorization of the petitioner was cancelled by the 2nd respondent through order, dated 16.12.2004. Aggrieved thereby, the petitioner preferred an appeal before the 1st respondent together with an application for stay. Her grievance is that the 1st respondent has not passed any order so far, and seeks appropriate directions from this Court.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

Learned counsel for the petitioner made extensive reference to the proceedings that have ensued ever since the petitioner was issued an order of suspension. Two writ petitions came to be filed and an appeal before the 1st respondent apart from initiation of proceedings under Section 6-A of the Essential Commodities Act.

However, once an order of cancellation is passed, all the steps, such as suspension pending enquiry, merge into it. The validity or otherwise of the order of cancellation needs to be considered by the appellate authority. Permitting a dealer to function even after cancellation of the authorization is almost a rarity. This Court does not find any basis or extraordinary circumstances to permit the petitioner as dealer, pending the appeal. However, the 1st respondent can be required to dispose of the appeal.

Hence, the writ petition is disposed of directing the 1st respondent to pass appropriate orders in the appeal preferred by the petitioner against the order of cancellation, within four weeks from the date of receipt of this order. It is also directed that the 2nd respondent shall not appoint any dealer on regular basis in the place of the petitioner, till the disposal of the appeal by the 1st respondent. There shall be no order as to costs.

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29.12.2004

Note: Issue C.C. in two days.

(B/o)

Jsu
To

1 The Joint Collector Prakasam District.
2 The Reveune Divisional Officer Kandukur, Prakasam District.
3 The Mandal Revenue Officer Mundlamur, Mundlamur Mandal Prakasam District.

4 2 CCs to the G.P. for Civil Supplies, High Court Buildings,

Hyderabad (OUT).

5 2 CD copies.